

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

HUGO LEYVA-MARTINEZ,

Defendant.

8:16CR13

FINAL ORDER OF FORFEITURE

This matter comes on before the Court upon the United States' Motion for Final Order of Forfeiture (Filing No. 79). The Court reviews the record in this case and, being duly advised in the premises, finds as follows:

1. On September 7, 2016, the Court entered a Preliminary Order of Forfeiture (Filing No. 64) pursuant to the provisions of Title 21, United States Code, Sections 846 based upon the Defendant's plea of guilty to Count I, II, and III, and the Forfeiture Allegation of the Indictment filed herein. By way of said Preliminary Order of Forfeiture, the Defendant's interest in the following properties were forfeited to the United States:

a. \$35,640.00, cash, seized from 332 South 154th Street, Omaha, Nebraska on December 7, 2015;

b. a 2006 F250 truck, VIN 1FTSW21Pl6EA97896; and

c. the following list of weapons seized on December 7, 2015 from storage unit no. 809 at 9815 Redick Avenue. Omaha, Nebraska:

a. D Technik Czech Republic 7.62 caliber long gun with folding stock, serial number VZ5800992;

b. M 31 SA9 X 19 .9mm drum fed carbine long gun, serial number Y000874;

- c. Tikka T3 308 caliber bolt action scoped rifle, serial number D21606;
- d. Kimber Pro carry 2 .45 caliber semi-automatic handgun, serial number KR43265;
- e. Springfield XD .9mm Semi-automatic, serial number XD135922;
- f. Burgo 38 special .38 caliber revolver, serial number 113305;
- g. Rheinische Netallwagren semi-automatic .32 caliber pistol, serial number 131859;
- h. Taurus PT 111 .9 mm handgun, serial number TYB62425;
- i. Taurus PT 92 AF .9mm pistol, serial number TYA54248;
- j. High standard model# 102 .22 caliber handgun, serial number 1043487;
- k. AMT semi-automatic handgun .9mm, serial number A09243; and
- l. Olympic arms lower receiver for a .223 caliber rifle serial number 6174.

2. Notice of Criminal Forfeiture was posted on an official internet government forfeiture site, www.forfeiture.gov, for at least thirty consecutive days, beginning on September 8, 2016, as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. A Declaration of Publication was filed herein on November 10, 2016 (Filing No. 78).

3. The Court has been advised by the United States no Petitions have been filed. From a review of the Court file, the Court finds no Petitions have been filed.

4. The Plaintiff's Motion for Final Order of Forfeiture should be sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

A. The Plaintiff's Motion for Final Order of Forfeiture is hereby sustained.

B. All right, title and interest in and to the following properties held by any person or entity are hereby forever barred and foreclosed:

- a. \$35,640.00, cash, seized from 332 South 154th Street, Omaha, Nebraska on December 7, 2015;
- b. a 2006 F250 truck, VIN 1FTSW21Pl6EA97896; and
- c. the following list of weapons seized on December 7, 2015 from storage unit no. 809 at 9815 Redick Avenue. Omaha, Nebraska:
 - a. D Technik Czech Republic 7.62 caliber long gun with folding stock, serial number VZ5800992;
 - b. M 31 SA9 X 19 .9mm drum fed carbine long gun, serial number Y000874;
 - c. Tikka T3 308 caliber bolt action scoped rifle, serial number D21606;
 - d. Kimber Pro carry 2 .45 caliber semi-automatic handgun, serial number KR43265;
 - e. Springfield XD .9mm Semi-automatic, serial number XD135922;
 - f. Burgo 38 special .38 caliber revolver, serial number 113305;
 - g. Rheinische Metallwagren semi-automatic .32 caliber pistol, serial number 131859;
 - h. Taurus PT 111 .9 mm handgun, serial number TYB62425;
 - i. Taurus PT 92 AF .9mm pistol, serial number TYA54248;
 - j. High standard model# 102 .22 caliber handgun, serial number 1043487;
 - k. AMT semi-automatic handgun .9mm, serial number A09243; and
 - l. Olympic arms lower receiver for a .223 caliber rifle serial number 6174.

C. The aforementioned properties described above, be, and the same hereby are, forfeited to the United States of America.

D. The United States is directed to dispose of said properties in accordance with law.

DATED this 21st day of November, 2016.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge